

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

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|---------------------------|---|----------------------------|
| RUFUS R. ROBINSON III and |) | CIVIL NO. 04-00672 DAE-KSC |
| Gretchen M. Robinson, |) | |
| |) | ORDER DENYING PLAINTIFFS' |
| Plaintiffs, |) | MOTION TO EXTEND TIME FOR |
| |) | DISCOVERY |
| vs. |) | |
| |) | |
| TRIPLER ARMY MEDICAL |) | |
| CENTER, et. al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER DENYING PLAINTIFFS' MOTION TO EXTEND
TIME FOR DISCOVERY

On March 14, 2006, Plaintiffs Rufus R. Robinson III and Gretchen M. Robinson ("Plaintiffs") filed a Motion to Extend Time for Discovery. Plaintiffs seek ninety (90) additional days in which to conduct discovery regarding their claims against Defendant Kanaa. On March 21, 2006 the United States filed an Opposition to Plaintiffs' Motion to Extend Time for Discovery.

The matter came on for hearing on March 28, 2006. Rufus R. Robinson III appeared on behalf of

himself; Deputy Attorney General Kendall Moser appeared on behalf of former State Defendants Patricia Snyder, David K.Y. Kam, and Elliot Plourde; Assistant U.S. Attorney Rachel Moriyama appeared on behalf of the United States.

On February 20, 2006, United States District Judge Ezra issued an Order Granting in Part and Denying in Part Plaintiffs' Motion for Ruling on Case Status. In that Order, the Court clarified that only one defendant remains in this case. Specifically, Honolulu Police Officer Kanaa ("Defendant Kanaa") is the only remaining defendant.

After reviewing the record and the docket in this case, the Court finds that Plaintiffs have failed to properly serve Defendant Kanaa. On October 14, 2005, a return of service form was filed by Plaintiff that did not name a defendant, and indicated that a defendant was personally served at 801 S. Beretania St.; Honolulu, HI, 96813. The address of the Honolulu Police Department is 801 S. Beretania Street, Honolulu, Hawaii. Additionally, at the hearing on March 28,

2006, Plaintiff Rufus R. Robinson III informed the Court that he did not serve Defendant Kanaa personally and separate from Defendant Honolulu Police Department.

Because proper service of Defendant Kanaa was not accomplished by Plaintiffs and the purpose of Plaintiffs' motion is to extend the discovery deadline to allow for discovery relevant to claims against Defendant Kanaa, Plaintiffs have failed to establish good cause for amendment of the Rule 16 Scheduling Order in this case and extension of the discovery deadline. As a result, the Court DENIES Plaintiffs' Motion to Extend Time for Discovery.

IT IS SO ORDERED.

Dated: Honolulu, Hawaii, March 29, 2006.




Kevin S.C. Chang
United States Magistrate Judge